



THE CITY OF SAN DIEGO

September 25, 2009

Electronic Submission to: bneill@waterboards.ca.gov

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Dear Sirs:

Subject: City of San Diego Comments on the Tentative Municipal Storm Water Permit for South Orange County

The City of San Diego wishes to provide the Regional Water Quality Control Board with comments regarding the tentative South Orange County Municipal Storm Water Permit. We understand the need to continue moving forward with water quality improvements, and want to work with you on permit revisions to maximize our water quality efforts in a cost effective and efficient manner.

If you have any questions or require more information, please don't hesitate to contact Ruth Kolb at (858) 541-4328.

Sincerely,

Kris McFadden
Deputy Director

Enclosure: City of San Diego Comments on Draft Orange County Municipal Permit
(Tentative Order No. R9-2009-0002)

cc: Tony Heinrichs, Director
Ruth Kolb, Program Manager
Drew Kleis, Program Manager
Chron File



Storm Water Department

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CITY OF SAN DIEGO COMMENTS ON DRAFT ORANGE COUNTY MUNICIPAL PERMIT (TENTATIVE ORDER NO. R9-2009-0002)				
Permit Section	Permit Page	Section Title/Topic	Reason for Proposed Changes/Comments	Comments/Proposed Changes
FINDINGS				
D.3.	10	Construction & Existing Development	Make findings consistent with JRMP.	Provide separate sections for Construction vs. Existing Development.
D.3.c.	10	Construction & Existing Development	Definition of "urban stream" contradicts 40CFR 122.	Provide clearer definition as to what an "urban stream" is.
DISCHARGE AND LEGAL PROVISIONS				
B.2.	20	Non-Storm Water Discharges	Discharge category found to be a source of pollutants requires implementation of appropriate control measures to prevent the discharge of pollutants to the MS4.	Should state: Implement appropriate control measures to reduce the discharge of pollutants to the MEP .
B.2.foot note 8	21	Non-Storm Water Discharges	Discharges into MS4 require authorization from owner and operator of the MS4 system, specifically for uncontaminated pumped ground water, foundation drains, and water from crawl space pumps.	Support change, and recommend that dischargers are required to obtain authorization prior to the commencement of the discharge.
B.3.a.	21	Non-Storm Water Discharges	States that building fire suppression system maintenance discharges contain waste and must be prohibited.	Not clear what waste the discharges contain and the basis for prohibiting it.
B.4.	21	Non-Storm Water Discharges	Must identify and control any non-prohibited discharge that creates water quality problems.	Should define what is meant by control the discharge.
C.	22	Non-storm water dry weather numeric effluent limitation	Attachment E, page 12, uses the phrase "Dry weather non-storm water effluent limitations" as opposed to this section's title.	Inconsistent. If this is the same, please change.
C.	22	Non-storm water dry weather numeric effluent limitations	The footer on this page does not correspond to the section title.	Change footer from "Directive D: Storm Water Action Levels" to "Directive C: Non-Storm Water DW NEL"
C.1.a.	22	Non-Storm Water dry weather Numeric effluent limitations	Requires review and acceptance of a determination that a discharge is from a natural source.	Strike "acceptance" from section.

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C.1.c.	22	Non-Storm Water dry weather Numeric effluent limitations	This requires the Copermitttee to determine whether a discharge type should be exempt.	This is the responsibility of the Regional Board.
C.2.	22	Non-Storm Water dry weather Numeric effluent limitations	This is a completely new program, above and beyond any requirement of the CWA.	This is inconsistent with the CWA. Make program consistent with 40 CFR 122.
C.3.	22	Non-Storm Water dry weather Numeric effluent limitations	"This Permit does not regulate natural sources and conveyances of constituents listed in Table 4."	This sentence is confusing. If it doesn't regulate "constituents listed in Table 4" what does it regulate and why is there a Table 4?
C.3.	22	Non-Storm Water Dry Weather Numeric Effluent Limitations	This Permit does not regulate natural sources and conveyances of constituents listed in Table 4 .	Should state clearly which Table(s) 4 (4.a.1, 4.a.2, 4.b. and/or 4.c)
C.3.	22	Non-storm water dry weather numeric effluent limitation	States that for natural sources the copermitttee must demonstrate discharge is not anthropogenic.	Are there guidelines available to make this determination?
C.4.	22	Non-storm water dry weather numeric effluent limitation	Copermitttees must develop monitoring plans to sample a representative percentage of major outfalls and identified stations within each hydrologic subarea.	Make consistent with 40CFR.
C.5 Tables 4.a.1, 4.a.2, 4b., 4.c	23-24	Non-Storm Water dry weather Numeric effluent limitations	The NELs as defined are receiving water standards. This would apply receiving water standards to the water within the MS4. Some of the NELs are not appropriately applied. (Fecal Coliform 400 for AMEL, this is a single sample standard not an average standard).	There needs to be a way to account for receiving water quality.
C.5.a.	23	Discharges to inland surface waters	Non-storm water discharges from MS4 to inland surface waters	What about when an MS4 flow discharges to dry sediment and not to actual water?
C.5.	23	Table 4.a.1	Need to define WARM & COLD water for DO effluent limitations.	Should use > < with specific temperatures.
C.5.a.	23	Table 4.a.1	Fecal coliform AMELs are inappropriate for multiple reasons.	Imposes AB411 standards for Rec 1 waters on non-storm water, non-recreational flows. If it must be applied then B should move to Instantaneous Maximum column.

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C.5.a.	23	Table 4.a.1	Enterococcus inappropriately set to Ocean Plan Designated beach area standards.	This is non-storm water, non-recreational flow. Why is it being held to beach standards when 5+ years of paired sampling data do not indicate strong links between even higher levels of bacteria than being allowed, and detected AB411 exceedances.
C.5.a.	23	Table 4.a.1	MDEL limits.	Where are MDELs defined in 40CFR?
C.5.a.	23	Table 4.a.1	Table 4.a.1 does not list an instantaneous maximum for Fecal Coliform .	Should list a maximum if less than 5 samples collected in 30-day period.
C.5.a.	23	Table 4.a.1, 4.b, 4.c	Tables 4.a.1, 4.b, and 4.c subject storm drain flows to the very stringent AB-411 Rec-1 Criteria standards.	The maximums should be adjusted to attainable limits.
C.5.a.	23	Table 4.a.1	Turbidity.	What is the justification for turbidity limitations in Region 9 being so much lower than other regions in the state?
C.5.a.	23	Non-Storm Water Dry Weather Numeric Effluent Limitations	..freshwater criteria are based on site-specific water quality data (receiving water hardness).	Should be changed to effluent water hardness.
C.5.a/b.	23/24	Table 4.a.1/4.b	pH.	6.5-8.5 for freshwater 6-9 for saline waters – based on?
C.5.b.	24	Table 4.b	Fecal coliform AMELs are inappropriate.	Imposes AB411 standards for Rec 1 waters on non-storm water, non-recreational flows. If it must be applied then B should move to Instantaneous Maximum column.
D.1.	25	Storm water Action Levels	This requires "implementation of all necessary storm water controls and measures to reduce..." when there is no evidence of a receiving water exceedance. The assessment point is "end-of-pipe" and SALs do not have any justification for applicability.	This seems to require an action when there is no evidence of a receiving water violation.
D.Table 5	25	Storm water Action Levels	Metals SALs are in direct contradiction with statement on "table 4.a.2:Priority Pollutants" page 23	Contradiction between NEL section and SAL in terms of metals values.
D.2.	25	Storm Water Action Levels	"...assessment points for determination of SAL compliance are all major outfalls...." Seems to contradict the following sentence "...monitoring plans to sample a representative percent of the outfalls...."	Sentences seem to contradict each other.
D.5.	26	Storm Water Action Levels	"...to have outfall storm water discharges meet all applicable water quality standards."	This applies receiving water standards to the storm drain.

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F.1 – DEVELOPMENT PLANNING				
c(6).	29	Infiltration and Groundwater Protection	"centralized infiltration devices" -This term needs to be clearly defined otherwise there will be confusion on when these infiltration restrictions apply.	Provide clear definition as to what "centralized infiltration devices" are
d(1)(e).	34	ESA category	In practice, this results in treatment control and hydromodification facilities being installed in single family residences, which is not a good practice in terms of assuring adequate maintenance of permanent BMPs.	Exclude single family residences from this category if the provided adequate site design and source control.
d(2)(d).	33	Hillside development category	It is not clear what is intended to be included this category. A steep hillside development with known erosion soil conditions would need to address erosion. Treatment control and hydromodification requirements are not justified.	Remove this from the Priority Development Project Categories, and define elsewhere in Section F.1 how these projects would need to include measures that protect slopes from erosion.
d(4)(d)(i).	35	Retention of 85 th percentile storm event	Retention of the 85 th percentile storm event does not mimic the natural hydrology. The amount of runoff under natural conditions is dependent on soil type and other factors.	Retention requirements should be revised with intent of matching hydrology under natural conditions.
d(7).	38	LID waiver program	It may be unrealistic for municipalities to implement the various processes required under this section within the amount of time allowed.	Provide a feasible time schedule for municipalities to put such a program in place.
F.2 – CONSTRUCTION				
d(1)(c)(i).	51	AST mandate	It is neither wise nor necessary to mandate use of a particular technology for managing sediment from construction sites. The Construction General Permit has adequate and more appropriate measures for ensuring sediment discharges will not create a pollution problem.	Remove the requirement that Copermittees mandate use of AST. Allow Copermittees to rely on the Risk based approach that was developed for the Construction General Permit, which does not mandate a particular technology.
e(2).	52	Inspection of Construction Sites	This section requires inspection of construction sites of 1 acre or more at least monthly	Propose language that is definitive and require construction site inspections monthly for sites of 1 acre or more
F.3.a – EXISTING DEVELOPMENT: MUNICIPAL ACTIVITIES				
(1).	55	Source Identification/Inventory	Requirement for use of an automated database system (e.g., GIS) to maintain an updated watershed-based inventory of municipal areas and activities is too restrictive.	The use of an automated database system, such as Geographical Information System is <u>highly recommended</u> when applicable, <u>but not required</u> .

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(3).	56	BMP Implementation for Management of Pesticides, Herbicides and Fertilizers	Reduction of pesticides, herbicides, and fertilizers into the storm water to the MS4 and receiving waters.	Support inclusion of "storm water" and "and receiving waters" in the opening paragraph.
(6)(b)(i).	57	Operation and Maintenance of Municipal Separate Storm Sewer System and Structural Controls	Inspecting and cleaning all MS4 facilities between May 1 and September 30 is infeasible for those Copermitees that have tens of thousands of structures.	Inspection and removal of accumulated waste at least once a year between May 1 and September 30 of each year for <u>all MS4 facilities that receive or collect high volumes of trash and debris.</u>
(7).	57	Infiltration From Sanitary Sewer to MS4/Provide Preventative Maintenance of Both	Sections (a) and (b) are redundant.	Delete Section (b) as the implementation of the provisions in Section (a) would maximize pollutant reductions by providing greater flexibility to Copermitees to manage their programs.
F.3.b – Existing Development: Commercial/Industrial				
(4)(c) & (4)(d).	64	Inspection of Industrial and Commercial Sites/Sources	The separation of food facilities from other industrial and commercial facilities and requiring a completely separate inspection program is problematic.	We currently inspect 25% of inventory. New requirements would reduce general industrial and commercial inspections by 5%, but increases food facility inspections to 100%. For the City this would result in an inspection requirement of 40% of our inventory.
(4)(d).	64	Food Facilities	"Each food facility must be inspected annually for compliance with the Copermitee's water quality ordinances and this Order."	This could be legally not possible. Does the City have the jurisdiction to enforce provision in the Order if there is not municipal code for the regulation in question?
F.3.c – EXISTING DEVELOPMENT: RESIDENTIAL				
This line intentionally left blank.				
F.3.d – RETROFITTING EXISTING DEVELOPMENT				

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(2-3).	69	Prioritization of Potential Retrofit Projects	The draft language requires an evaluation of potential retrofit sites in establishing a prioritized list of activities and states that "highly feasible projects expected to benefit water quality should be given a high priority" to implement BMPs. However, Copermitees should possess the discretion to evaluate where to direct limited storm water program resources in the larger context of all efforts/activities. While the current language provides the possibility for this program-wide consideration, it should be explicitly stated that the Copermitees retain such discretion. For example, the highest rated retrofit project may result in only a medium priority rating when compared to education campaigns, enforcement, street sweeping, or other controls identified in the work plan.	Proposed Language: (3) Each Copermitee must consider the results of the evaluation in prioritizing <u>potential retrofit projects with other activities in work plans</u> for the following year. Where feasible, the retrofit projects should be designed in accordance with the SSMP requirements within sections F.1.d.(3) through F.1.d.(8). In addition, the Copermitee shall encourage retrofit projects to implement where feasible the Hydromodification requirements in Section F.1.h.
(3).	69	Application of SSMP requirements to retrofit projects	Section F.3.d.(3) states that retrofit projects should be designed to SSMP requirements. However, other requirements, such as TMDL or ASBS requirements, may be critically important to designing projects. Because these requirements are spatially and temporally variable, the draft Permit should be revised to state that retrofit projects should consider applicable regulations and requirements, as feasible, and should not list specific criteria.	Permit should be revised to state that retrofit projects should consider applicable regulations and requirements, as feasible, and should not list specific criteria.
F.4 – ILLICIT DISCHARGE DETECTION AND ELIMINATION				
a(2)(a).	71	Prevent and Detect Illicit Discharges and Connections	Require "inspections for illegal discharges and connections must be conducted during routine maintenance of all MS4 facilities"	This could be an added reporting burden. How are we supposed to document that an inspection for illegal discharges and connections is done? Delete "must" from sentence.
b.	71	Maintain MS4 Map	"The use of GIS is required" and "The GIS layers of the MS4 map must be submitted..."	Not a problem for us but for those jurisdictions that do not have this capability this would be a significant expense. Delete requirement for use of GIS.
b.	71	Maintain MS4 Map	Vague language.	Provide a more specific description of the information to be confirmed and updated.
d.	71	Dry Weather Field Screening and Analytical Monitoring	Paragraph makes a reference to attachment E, which does not in fact contain a description of this particular program.	Include a description of the Dry Weather Field Screening and Analytical Monitoring Program in Attachment E.

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d.	71	Dry Weather Field Screening and Analytical Monitoring	This seems to be the dry weather program we currently have. This appears to be in addition to the "Dry Weather NEL.." program. In essence this appears to be a duplicate program.	This is inconsistent with the CWA. Make program consistent with 40 CFR 122.
d.	71	Dry Weather Field Screening and Analytical Monitoring	Reference "Attachment E" for description of this program.	Add description of program in Attachment E. There is currently not description for this program.
e.	71	Investigation/Inspection and follow-up	...based on results of field screening ...	Field screening is not included as a component of any monitoring programs and should be removed from this sentence.
e.	71	Investigation / Inspection and Follow Up	References a monitoring effort that does not exist anywhere else in the permit (field screening)	The inconsistency in the permit for the different programs and the referenced sections need to be straightened out. Add description of referenced program to Attachment E.
e(1).	72	Develop response criteria for data	Contradictory paragraph. Numeric action levels must be developed, but "the criteria must consider numeric effluent limitation (see Section C)".	The NELs from Section C or develop numeric action levels? Recommend selecting one criteria.
e.(2)(b).	72	Response to data: Field screen data	References Attachment E for program description. There is no program in Attachment E that relates to this.	Add description of program in Attachment E.
g.	73	Enforce Ordinances	Punctuation error.	Remove apostrophe from "it's" in the last line.
F.5 – PUBLIC PARTICIPATION				
G. – WATERSHED RUNOFF MANAGEMENT PLAN				

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G.2.	74	Watershed Water Quality Workplan	<p>The workplan is for development of a BMP strategy and implementation of BMPs to improve urban runoff water quality contributions to the receiving water. Calling it a "Water Quality" workplan is misleading because the regulated parties under this permit are not responsible for every contribution to every water body in the entire watershed.</p> <p>The requirements should focus on urban runoff contributions to the receiving waters for which the regulated parties are responsible.</p>	<p>Revise the section to state: The Watershed Workplan shall describe the Permittees' development and implementation of a collective watershed strategy to assess and prioritize the water quality problems due to runoff discharging to the watershed's receiving waters, identify and/or model sources of the highest priority water quality problem(s), develop a watershed-wide BMP implementation strategy to abate highest priority water quality problems and the relative contribution from runoff discharges, and a monitoring strategy to evaluate BMP effectiveness and changing water quality prioritization in the WMA.</p>
2.a.	74	Characterization of receiving waters	<p>The permit required monitoring program does not support this level of analysis. If an attempt was made to use the data from the monitoring programs, misrepresentation and mischaracterization would occur because the program does NOT involve collection of sufficient data to do this. The requirements should focus on urban runoff contributions to the receiving water for which the regulated parties are responsible.</p>	<p>Remove this section or replace with a requirement more in line with the regulated parties' responsibility of contributions of runoff discharges to the receiving waters, such as the requirements in Order No. R9-2007-0001 for the San Diego County Copermitees</p>

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2.d.	74-75	Develop a watershed BMP strategy	<p>The regulated parties are responsible for urban runoff contributions to the receiving waters and are not necessarily responsible for attainment of the receiving water quality objectives, particularly if there are contributions to the degradation of receiving water quality from parties outside the purview of this permit.</p> <p>Further, to require that BMPs not contributing to measured improvements in receiving water quality be removed and replaced could lead to no water quality improvement and is flawed considering the intent of the permit. If a BMP is not assessed with regard to its direct improvement to quality of runoff from the localized site but only to the receiving waters, it could be falsely interpreted that a BMP is ineffective and will be removed. BMPs may be effective in reducing pollutants in runoff, but may need the time to be replicated and installed in multiple locations to observe improvements in receiving water quality. Additionally, there may be lag time between installation of a BMP, the end of a reporting year, and the actual observed improvements in water quality. Lastly, if regulated parties were required to expend resources to remove an ineffective BMP (for high priority water quality problems) where said BMP may not be a contributing pollutant source, resources to remove the BMP may be redirected from other, more valuable, efforts to improve water quality.</p>	<p>Replace with: Develop a watershed BMP implementation strategy that focuses on attainment of receiving water quality objectives in the identified highest priority water quality problem(s) by improving discharge runoff water quality. The BMP implementation strategy shall include a schedule for implementation of the BMP projects to abate specific runoff discharge contributions to receiving water quality problems. BMPs not contributing to measured pollutant reductions or improvements to runoff discharge water quality must be modified or replaced with alternative BMPs. Identified watershed water quality problems may be the result of jurisdictional discharges that will need to be addressed with BMPs applied in a specific jurisdiction in order to generate a benefit to the watershed.</p>

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2.e.	75	Develop strategy to model and monitor improvements	<p>Requiring modeling AND monitoring improvements to water quality will require regulated parties to expend resources inefficiently. Additionally parties are regulated because of their contribution, as MS4 dischargers, to receiving water quality impairments. The regulated parties called out in this permit are MS4 dischargers and are responsible for their relative contributions, not the entire receiving water body quality.</p> <p>The use of the word "proper" for installation of BMPs is subjective and not defined by this permit. There may be many different ways to "properly" design and install a BMP, and the regulated parties may or may not choose to test different ways for each BMP to determine which works best.</p>	Revise to state: Develop a strategy to model and/or monitor improvements in runoff discharge quality resulting from implementation of the BMPs described in the Watershed Workplan. The modeling and/or monitoring strategy shall generate the necessary data to report on the measured pollutant reduction that results from BMP implementation.
3.	75	Watershed Workplan Implementation	Add a timeframe in which the Regional Board must respond/accept the work plan prior to implementation. By not have a time certain for the Regional Board's response, this could cause unnecessary delay to the implementation of the program and prolong the currently unacceptable conditions of water quality.	Add a specific timeframe in which the Regional Board must respond to/accept the work plan.
5.	75	Public Participation	Public review should occur prior to the workplan being submitted to the Regional Board, not after (prior to implementation). Changes to the workplan may be warranted in response to public comments. If this is the case, the version the Regional Board would approve prior to public review would essentially be a draft.	Reverse the order of the Regional Board's acceptance and the public review period.
H. – Fiscal Analysis				
H.	78	Fiscal Analysis	Business plan requirements	Recommend changing from the proposed 5-year plan to a 1-year plan similar to R9-2007-01, based on the uncertainties of the economy.
I. – Total Maximum Daily Loads				
J. – Program Effectiveness Assessment				

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1.a.(1) & (2).	80	Objective for 303(d) Waterbodies & Environmentally Sensitive Areas	Per the definition in Attachment C, Environmentally Sensitive Areas include 303(d) listed waterbodies. It is therefore redundant and inefficient to require assessment for both 303(d) waterbodies and for ESAs.	Remove Section J.1.a.(1)
4.	83	Work Plan	The mention here of a Work Plan is redundant and subsequently confusing. Does the JRMP Work Plan replace the JRMP Plan (K.1.a)? Clarification is needed.	Remove the requirement for a Work Plan or clarify that the Work Plan replaces the JRMP.
K. – Reporting				
1.b.	84-85	Watershed Workplans	The reference to a watershed workplan should use a consistent naming convention. It is referred to as a "Watershed Workplan" in Section K.1.b., and a "Watershed Water Quality Workplan" in Section G.2.	The reference to a watershed workplan should use a consistent naming convention.
1.b.	84-85	Watershed Workplans	The required components of the watershed workplans is discussed in Sections G.2 and K.1.b.(4). The requirements should be consolidated to Section G.2, as Section K.1.b.(4) should only address reporting process/requirements.	The requirements should be consolidated to Section G.2, as Section K.1.b.(4) should only address reporting process/requirements.
1.b.(1-3).	84	Watershed Workplan review/update	The process and requirements for reviewing and updating the workplans is discussed in Sections G.6 and K.1.b. These requirements should be consolidated to one section.	Consolidate to one section all requirements for the Watershed Workplan.
3.a.(d).	87	JRMP Annual Reports	Providing information for each program component by watershed is inefficient as this information is provided the WURMP annual reports. Recommend removing the reference "by watershed" from this requirement.	Revise to state: Information for each program component as described in the following Table 9:
3.a.(4)(b).	90	JRMP Annual Reports	A requirement for a description of ordinances or similar means to prohibit non-storm water discharge categories that are allowable per Section B.2. conflicts section B.2. Section B.2. clearly allows for the prohibition of the discharged or the development and implementation of appropriate control measures to prevent the discharge of pollutants to the MS4. Additionally, it is not clear if section (4)(b) is a requirement for ALL prohibited non-storm water discharges or those that are an allowable category but are subsequently identified as a source of pollutants.	Revise to state: A description of ordinance or orders to prohibit non-storm water discharges identified as sources of pollutants per section (4)(a) above, or a description of control measures to prevent the discharge of pollutants to the MS4.

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L. – MODIFICATION OF PROGRAMS				
M. – PRINCIPAL COPERMITTEE RESPONSIBILITIES				
N. – RECEIVING WATERS MONITORING AND REPORTING PROGRAM				
O. – STANDARD PROVISIONS, REPORTING REQUIREMENTS, AND NOTIFICATIONS				
Attachments (A Through E)				
E. II. A.1.g, Table 1	5	Mass Loading Station Monitoring	Typo at the base of the table: "Nitrate and nitrate may be combined..."	Change to: "Nitrite and nitrate may be combined..."
E.II.B.1.b.	12	MS4 Outfall Monitoring	Comparing Metals SALs with CTR values	Question is if you can use the "1 hour maximum concentration" criteria in this way?
E.II.C.	12	Dry Weather Non-Storm Water Effluent Limitations	This creates a watershed based program for monitoring MS4 discharges. MS4s are inherently jurisdictional in nature. MS4s do not typically cross jurisdictional boundaries, hence this does not lend itself to a watershed base evaluation.	Is this suppose to be our MS4 Outfall Monitoring program broken apart into a Wet and Dry components?
E.II.C.	12	Dry Weather Non-Storm Water Effluent Limitations	States that copermittes must conduct the following dry weather field screening and analytical monitoring tasks.	Does not define or outline the field screening tasks.
E.II.C.a. (1).	13	Dry weather non-storm water effluent analytical monitoring stations	"Stations must be all major outfalls" plus "other outfall points..."	This far exceeds CWA 500 point maximum for dry weather monitoring.
E.II.C.a. (2).	13	Dry weather non-storm water effluent analytical monitoring stations	Map sites as a separate GIS layer or map overlay.	This is in contradiction with the 4.b. "Maintain MS4 Map" pg. 71 which states that GIS is required.

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E.II.C.b.(1).	13	Dry weather non-storm water effluent analytical monitoring stations	"...must sample a representative number of major outfalls..."	Contradicts Section E.II.C.a.(1) of Attachment E, which states that "Stations must be all major outfalls."
E.II.C.b.(1).	13	Analytical Monitoring Procedures Dry weather non-storm water effluent analytical monitoring stations	Copermittees must sample a representative number of major outfalls.	Should define or outline how to determine a representative number of outfalls.
E.II.C. b.2.	13	Dry weather non-storm water effluent analytical monitoring stations	If flow is evident a 1 hour composite sample may be taken.	Should elaborate on sampling procedures for flowing outfalls.
E.II.C.b.(2).	13	Dry weather non-storm water effluent analytical monitoring stations	"if flow is evident a 1 hour composite sample may be taken"	There is no definition of what comprises a composite sample. This would significantly increase this program.
E.II.C.b.(3).	13	Dry Weather Non Storm Water Numeric Effluent Limitations	Typo at bottom of page: "Effluent samples must also under analysis for ..."	Change to: "Effluent samples must also undergo analysis for..."
E.II.C.b.(5).	14	Dry weather non-storm water effluent analytical monitoring stations	"Develop and/or update criteria for...."	This seems to contradict the NELs from section C of the permit. They say to include the NELs from section C and LC ₅₀ values, when you develop your criteria.
E.II.C.b.(5).	14	Dry weather non-storm water effluent analytical monitoring stations	This section is unclear.	Should be reworded clearly(Develop and/or update action level criteria for dry weather non-storm water effluent analytical monitoring results. Exceedances of the action level criteria require follow-up investigations to detect and eliminate the source causing the exceedance.

CITY OF SAN DIEGO COMMENTS ON DRAFT ORANGE COUNTY MUNICIPAL PERMIT (TENTATIVE ORDER NO. R9-2009-0002)				
Permit Section	Permit Page	Section Title/Topic	Reason for Proposed Changes/Comments	Comments/Proposed Changes
E.II.C.c.	14	Conduct Dry Weather Non-storm water effluent analytical monitoring	Section refers to dry weather field screening and analytical monitoring procedures from Sections F.4.d and F.4.e.	Sections F.4.d and F.4.e refer to the Attachment E for this program. This is a circular reference and the procedures are not defined anywhere in the permit or attachment. There is no description for dry weather field screening and analytical monitoring in either Order No. R9-2009-0002 or Attachment E.
E.II.C.c. (1).	15	Conduct Dry Weather Non-storm water effluent analytical monitoring	"Copermittees must choose a subset of major outfalls ...that discharge to the surf zone. ...in conjunction with the ACRWM."	The ACRWM program is only suppose to sample within ecologically sensitive areas. There does not appear to be a link between the ACRWM and the dry weather field screening and analytical monitoring program. This needs to be further developed.
E.II.D.5.	16	Special Studies	Trash and Litter Impairment Investigation is listed under "Special Studies," but is presently a part of the regular Dry Weather Monitoring Program.	Trash/Litter monitoring should be included as part of the regular Dry Weather Monitoring Program.
E.II.D.5.	16	Trash and litter impairment investigation	This creates a new and separate program.	The trash assessment program for San Diego was incorporated into the existing monitoring programs. This is more efficient and can be linked to other monitoring results.
E.II.E.1.	17	Monitoring Provisions	Requires all monitoring to comply with SWAMP, unless otherwise specified.	There are not "otherwise specified" instances. This means all sampling, analysis and QA/QC must comply with SWAMP.
E. II. E. 4. d.	18	Monitoring Provisions	"The individual(s) who performed the analyses;"	Specify: in the case of contracted lab work, for example, is the name of the project manager/lab supervisor sufficient?
E.III.A.2. m.	22	Monitoring Reporting	Electronic Monitoring reports must be CEDEN or SWAMP uploadable.	Will have to retool reporting.

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